

**Notice of Allowability**

Application No.

10/783,227

Applicant(s)

TAGA ET AL.

Examiner

David S. Kim

Art Unit

2613

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 3/6/06.
2. ☒ The allowed claim(s) is/are 28-34 (renumbered as claims 1-7).
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of the:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.


Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
- ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
- ☒ Examiner's Amendment/Comment
- ☐ Examiner's Statement of Reasons for Allowance
- ☐ Other \_\_\_\_\_

  
**KENNETH VANDERPUYE**  
SUPERVISORY PATENT EXAMINER

### EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Raymond R. Tabandeh on Monday, 10 April 2006.

The application has been amended as follows:

*In the claims* (underlined portions are additions, strikethrough portions are deletions):

**Claim 28.** An optical receiving apparatus, comprising:

a signal brancher for branching an optical input signal received from an optical transmission line ~~to~~ into a first signal component and a second signal component;

a clock extractor for extracting a clock having an amplitude from the second signal component;

a discriminator for discriminating the first signal component; and

a threshold controller for generating a discrimination threshold for the discriminator according to a relationship between the extracted clock amplitude and a bit error rate to which the extracted clock amplitude corresponds.

**Claim 29.** The optical receiving apparatus of claim 28, further comprising a photodetector coupled before the signal brancher for converting the optical input signal to an electrical input signal, wherein the signal brancher branches the electrical input signal from the photodetector ~~to~~ into the first signal component and the second signal component.

**Claim 32.** The optical receiving apparatus of claim 28, further comprising a first photodetector for converting the first signal component ~~to~~ into a first electrical signal to be input to the discriminator, and a second photodetector for converting the second signal component ~~to~~ into a second electrical signal to be input to the clock extractor.

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***In the specification*** (underlined portions are additions):

On page 1, lines 7-11, amend the paragraph as follows:

This application is a divisional of U.S. Application No. 10/460,895, filed June 12, 2003, now abandoned, which is a divisional of U.S. Application No. 09/546,917, filed April 11, 2000, now abandoned, which claims priority of Japanese patent Application No. Heisei 11 (1999) 145416, filed May 25, 1999.

***In the abstract:***

Replace the previously submitted abstract (filed on 31 October 2005) with the following new abstract:

An optical receiving apparatus includes a signal brancher for branching an optical input signal received from an optical transmission line into a first signal component and a second signal component, a clock extractor for extracting a clock having an amplitude from the second signal component, and a discriminator for discriminating the first signal component. The apparatus also includes a threshold controller for generating a discrimination threshold for the discriminator according to a relationship between the extracted clock amplitude and a bit error rate to which the extracted clock amplitude corresponds.

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David S. Kim whose telephone number is 571-272-3033. The examiner can normally be reached on Mon.-Fri. 9 AM to 5 PM (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kenneth N. Vanderpuye can be reached on 571-272-3078. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DSK



**KENNETH VANDERPUYE**  
**SUPERVISORY PATENT EXAMINER**